

## CONGRESSIONAL RECORD SUMMARY

Tuesday, January 28, 2003

### SENATE

#### Measures Introduced:

\_\_\_\_\_ S. 224. A bill *to amend the Fair Labor Standards Act of 1938 to provide for an increase in the Federal minimum wage*; read the first time.

Daschle

Page S 1668

S. 225. A bill *to provide for emergency unemployment compensation*; read the first time.

Daschle

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S. 226. A bill *to prohibit an individual from knowingly opening, maintaining, managing, controlling, renting, leasing, making available for use, or profiting from any place for the purpose of manufacturing, distributing, or using any controlled substance, and for other purposes*; to the Committee on the Judiciary.

Biden

Pages S 1668, S 1677-79

S. 228. A bill *to amend title 18, United States Code, to limit the misuse of social security numbers, to establish criminal penalties for such misuse, and for other purposes*; read the first time.

Feinstein

Pages S 1668, S 1680-5

#### H. Con. Res. 12 - State of the Union Address:

Senate agreed to H. Con. Res. 12, *providing for a joint session of Congress to receive a message from the President on the State of the Union*.

Pages S 1657, D 61

#### H.J. Res. 2 - Appropriations Amendments Modified--Agreement:

*A unanimous-consent agreement was reached providing that it be in order, notwithstanding passage of H.J. Res. 2, Omnibus Appropriations Resolution (passed by the Senate on Thursday, January 23, 2003), that in the engrossment of the joint resolution, that Senate amendments numbered 139, 166, 172, and 186, be further modified.*

Pages S 1509-12, D 61

Text of H.J. Res. 2, as Previously Passed (1/23/2003):

Pages S 1512-1642

**“...DIVISION B--COMMERCE, JUSTICE, AND STATE, THE JUDICIARY, AND RELATED AGENCIES APPROPRIATIONS, 2003...”**

Pages S 1522-35

**“...TITLE III - THE JUDICIARY**

***Supreme Court of the United States***

*Salaries and Expenses -*

*For expenses necessary for the operation of the Supreme Court, excluding care of the building and grounds; not to exceed \$10,000 for official reception and representation expenses; and for miscellaneous expenses, \$44,399,000.*

*Care of the Building and Grounds -*

*For expenses necessary for the care of building and grounds, \$53,304,000, to remain available until expended.*

Page S 1531

#### H.J. Res. 2 - Appropriations Amendments Modified--Agreement (Cont.):

***United States Court of Appeals for the Federal Circuit***

***Salaries and Expenses -***

*For salaries of the chief judge, judges, and other officers and employees, and for necessary expenses of the court, \$20,136,000.*

***United States Court of International Trade***

***Salaries and Expenses -***

*For salaries of the chief judge and eight judges, salaries of the officers and employees of the court, services, and necessary expenses of the court, \$13,529,000.*

***Court of Appeals, District, Magistrate, and Bankruptcy Court Judges and Staff***

***Salaries and Expenses -***

*For the salaries of circuit and district judges (including judges of the territorial courts of the United States), justices and judges retired from office or from regular active service, judges of the United States Court of Federal Claims, bankruptcy judges, magistrate judges, and their staff, \$718,736,000.*

***Court Support***

***Salaries and Expenses -***

*For expenses necessary for the operation of the courts, including travel and hire of passenger motor vehicles, \$1,048,877,000, of which not to exceed \$45,000 is authorized for official reception and representation expenses. In addition, for expenses of the United States Court of Federal Claims associated with processing cases under the National Childhood Vaccine Injury Act of 1986, not to exceed \$2,784,000, to be appropriated from the Vaccine Injury Compensation Trust Fund.*

***Court Services***

***Salaries and Expenses -***

*For expenses necessary for court services, including the purchase of firearms and ammunition, supplies, and equipment and the payment of rent to the General Services Administration, \$1,394,039,000, of which not to exceed \$29,277,000 shall remain available until expended for space alteration projects and for furniture and furnishings related to new space alteration and construction projects.*

***Probation and Pretrial Services***

***Salaries and Expenses -***

*For expenses necessary for probation and pretrial services, \$717,214,000.*

***Defender Services***

*For the operation of Federal Public Defender and Community Defender organizations; the compensation and reimbursement of expenses of attorneys appointed to represent persons under the Criminal Justice Act of 1964, as amended; the compensation and reimbursement of expenses of persons furnishing investigative, expert and other services under the Criminal Justice Act of 1964; the compensation (in accordance with Criminal Justice Act maximums) and reimbursement of expenses of attorneys appointed to assist the court in criminal cases where the defendant has waived representation by counsel; the compensation and reimbursement of travel expenses of guardians ad litem acting on behalf of financially eligible minor or incompetent offenders in connection with transfers from the United States to foreign countries with which the United States has a treaty for the execution of penal sentences; the compensation of attorneys appointed to represent jurors in civil actions for the protection of their employment, as authorized; and for necessary training and general administrative expenses, \$531,792,000, to remain available until September 30, 2004.*

## **H.J. Res. 2 - Appropriations Amendments Modified--Agreement (Cont.):**

### ***Fees of Jurors and Commissioners***

*For fees and expenses of jurors as authorized; compensation of jury commissioners as authorized; and compensation of commissioners appointed in condemnation cases pursuant to rule 71A(h) of the Federal Rules of Civil Procedure, \$54,636,000, to remain available until September 30, 2004: Provided, That the compensation of land commissioners shall not exceed the daily equivalent of the highest rate payable under section 5332 of title 5, United States Code.*

### ***Court Security***

*For necessary expenses, not otherwise provided for, incident to providing protective guard services for United States courthouses and the procurement, installation, and maintenance of security equipment for United States courthouses and other facilities housing Federal court operations, including building ingress-egress control, inspection of mail and packages, directed security patrols, and other similar activities, \$276,342,000, of which not to exceed \$10,000,000 shall remain available until expended for security systems or contract costs for court security officers: Provided, That, of the amounts made available under this heading, \$1,000,000 shall be transferred to, and merged with, funds in the "Salaries and Expenses, United States Marshals Service" appropriations account, to be available only for a courthouse security survey to be conducted by Judicial Security Division/Judicial Security Systems personnel.*

### ***Federal Judicial Center***

#### ***Salaries and Expenses -***

*For necessary expenses of the Federal Judicial Center, \$20,156,000; of which \$1,800,000 shall remain available through September 30, 2004, to provide education and training to Federal court personnel; and of which not to exceed \$1,000 is authorized for official reception and representation expenses.*

### ***Judicial Retirement Funds***

#### ***Payment to Judiciary Trust Funds -***

*For payment to the Judicial Officers' Retirement Fund, as authorized, \$27,700,000; to the Judicial Survivors' Annuities Fund, as authorized, \$5,200,000; and to the United States Court of Federal Claims Judges' Retirement Fund, as authorized, \$2,400,000.*

### ***United States Sentencing Commission***

#### ***Salaries and Expenses -***

*For the salaries and expenses necessary to carry out the provisions of chapter 58 of title 28, United States Code, \$11,835,000, of which not to exceed \$1,000 is authorized for official reception and representation expenses.*

*Page S 1531*

## **H.J. Res. 2 - Appropriations Amendments Modified--Agreement (Cont.):**

### ***General Provisions--the Judiciary***

**Sec. 301.** Appropriations and authorizations made in this title which are available for salaries and expenses shall be available for services as authorized by 5 U.S.C. 3109. **Sec. 302.** Not to exceed 5 percent of any appropriation made available for the current fiscal year for the Judiciary in this Act may be transferred between such appropriations, but no such appropriation shall be increased by more than 10 percent by any such transfers: Provided, That any transfer pursuant to this section shall be treated as a reprogramming of funds under section 605 of this Act and shall not be available for obligation or expenditure except in compliance with the procedures set forth in that section. **Sec. 303.** Notwithstanding any other provision of law, any salaries and expenses appropriation in this title, except probation and pretrial services, shall be available for official reception and representation expenses of the Judicial Conference of the United States: Provided, That such available funds shall not exceed \$11,000 and shall be administered by the Director of the Administrative Office of the United States Courts in the capacity as Secretary of the Judicial Conference. **Sec. 304.** Pursuant to section 140 of Public Law 97-92, Justices and judges of the United States are authorized during fiscal year 2003, to receive a salary adjustment in accordance with 28 U.S.C. 461: Provided, That \$7,972,000 is appropriated for salary adjustments pursuant to this section and such funds shall be transferred to and merged with appropriations in title III of this Act. This title may be cited as the 'Judiciary Appropriations Act, 2003.'..."

*Page S 1531*

**"...DIVISION C--DISTRICT OF COLUMBIA APPROPRIATIONS, 2003..."**

*Pages S 1536-43*

**"...Federal Payment to the District of Columbia Courts..."**

**"...Defender Services in District of Columbia Courts..."**

*Page S 1536*

**"...DIVISION J--TREASURY AND GENERAL GOVERNMENT APPROPRIATIONS, 2003..."**

*Pages S 1611-23*

**"...General Services Administration - Real Property Activities, Federal Buildings Fund..."**  
**Courthouse Construction, Repair and Alterations.**

*Pages S 1616-17*

## **Escort Committee--Agreement:**

**A unanimous-consent agreement was reached** providing that the Presiding Officer of the Senate be authorized to appoint a committee on the part of the Senate to join with a like committee on the part of the House of Representatives to escort the President of the United States into the House Chamber for the joint session to be held tonight, Tuesday, January 28, 2003, at 9 p.m.

*Pages S 1657*

## **Messages From the President:**

**Senate received the following message from the President of the United States:**

*Transmitting, the Report on the State of the Union; ordered to lie on the table. (PM-1)*

*Pages S 1663-67*

## **Nominations Received:**

**Senate received the following nominations:**

*Leonardo M. Rapadas, of Guam, to be United States Attorney for the District of Guam and concurrently United States Attorney for the District of the Northern Mariana Islands for the term of four years.*

*Pages S 1687-88, D*

## **Committee Meetings for Wednesday, January 29, 2003:**

**Committee on the Budget:** @ 10:00 a.m. To hold hearings to examine the state of the economy. SD-608.

**Committee on the Judiciary:** @ 9:30 a.m. To hold hearings to examine judicial nominations. SD-226.

**Committee on Veterans' Affairs:** @ 2:30 p.m. To hold hearings to examine the nominations of Bruce E. Kasold, of Virginia, to be a Judge of the United States Court of Appeals for Veterans Claims, and John W. Nicholson, of Virginia, to be Under Secretary of Veterans Affairs for Memorial Affairs. SR-418.

Page D 65

**Remarks:**

**The State of the Union.**

*"...I think the President may also talk about something else that is reshaping American health care, and that is, of course, excessive lawsuits that are causing doctors literally to pack their bags and move to other States that have been bold enough to do **tort reform** over the last several years and where, as a result, the cost of insurance for care providers is not as great as it is in other areas of our country. This is something we have to deal with here. Yes, we have to look at a certain segment of our economy right in the eye and say fair is fair. A reward for malpractice suit should not make both the patient and his attorney multimillionaires in a single act..."*

Craig

Pages S 1500-2

**HOUSE**

**Measures Introduced:**

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**H.R. 394.** A bill *to restore the Federal civil remedy for crimes of violence motivated by gender*; to the Committee on the Judiciary.

Convers

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**H.R. 396.** A bill *to provide assistance to the unemployed, tax relief for average Americans, fiscal assistance to state and local governments, and jobs and security through infrastructure investment, and for other purposes*; to the Committee on Ways and Means, and in addition to the Committees on Transportation and Infrastructure, Education and the Workforce, Energy and Commerce, Agriculture, Financial Services, and Armed Services, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

DeFazio

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**H.R. 401.** A bill *to create an office within the Department of Justice to undertake certain specific steps to ensure that all American citizens harmed by terrorism overseas receive equal treatment by the United States government regardless of the terrorists' country of origin or residence, and to ensure that all terrorists involved in such attacks are pursued, prosecuted, and punished with equal vigor, regardless of the terrorists' country of origin or residence*; to the Committee on the Judiciary.

Andrews

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**Measures Introduced (Cont.):**

**H.R. 404.** A bill *to amend the Controlled Substances Act to provide penalties for open air drug markets, and for other purposes*; to the Committee on the Judiciary, and in addition to the Committee on Energy and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

Andrews

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**H.R. 405.** A bill *to provide that a person who brings a product liability action in a Federal or State court for injuries sustained from a product that is not in compliance with a voluntary or mandatory standard issued by the Consumer Product Safety Commission may recover treble damages, and for other purposes*; to the Committee on the Judiciary, and in addition to the Committee on Energy and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

Andrews

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**H.R. 412.** A bill *to enhance the operation of the AMBER Alert communications network in order to facilitate the recovery of abducted children, to provide for enhanced notification on highways of alerts and information on such children, and for other purposes*; to the Committee on the Judiciary, and in addition to the Committee on Transportation and Infrastructure, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

Frost

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**H.R. 432.** A bill *to amend chapters 83 and 84 of title 5, United States Code, to provide for the indexation of deferred annuities; to provide that a survivor annuity be provided to the widow or widower of a former employee who dies after separating from Government service with title to a deferred annuity under the Civil Service Retirement System but before establishing a valid claim therefor, and for other purposes*; to the Committee on Government Reform, and in addition to the Committee on House Administration, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

Velazquez

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**H.J. Res. 15.** A joint resolution *proposing an amendment to the Constitution of the United States relative to abolishing personal income, estate, and gift taxes and prohibiting the United States Government from engaging in business in competition with its citizens*; to the Committee on the Judiciary.

Paul

Page E 218

**H. Con. Res. 19.** *Concurrent resolution expressing the sense of the Congress that rates of compensation for civilian employees of the United States should be adjusted at the same time, and in the same proportion, as are rates of compensation for members of the uniformed services; to the Committee on Government Reform.*

Hoyer

Page E 218

**H. Res. 38.** A resolution *requiring the House of Representatives to take any legislative action necessary to verify the ratification of the Equal Rights Amendment as part of the Constitution when the legislatures of an additional three States ratify the Equal Rights Amendment*; to the Committee on the Judiciary.

Andrews

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#### **H. Res. 33 - Committee Election--Majority Members:**

*The House agreed to H. Res. 33, electing the following named majority members to standing committees of the House of Representatives:*

**Committee on Appropriations:** Representatives Regula; Lewis of California; Rogers of Kentucky; Wolf; Kolbe; Walsh; Taylor of North Carolina; Hobson; Istook; Bonilla; Knollenberg; Kingston; Frelinghuysen; Wicker; Nethercutt; Cunningham; Tiahrt; Wamp; Latham; Northup; Aderholt; Emerson; Granger; Peterson of Pennsylvania; Goode; Doolittle; LaHood; Sweeney; Vitter; Sherwood; Weldon of Florida; Simpson; Culberson; Kirk and Crenshaw.

**Committee on the Budget:** Representatives Gutknecht; Thornberry; Ryun of Kansas; Toomey; Hastings of Washington; Schrock; Brown of South Carolina; Putnam; Tancredo; Bonner; Franks of Arizona; Garrett; Barrett of South Carolina; McCotter; Mario Diaz-Balart of Florida and Hensarling.

**Committee on Government Reform:** Representatives Burton; Shays; Ros- Lehtinen; McHugh; Mica; Souder; LaTourette; Ose; Lewis of Kentucky; Jo Ann Davis of Virginia; Platts; Cannon; Putnam; Schrock; Duncan; Sullivan; Deal of Georgia; Miller of Michigan; Murphy; Turner of Ohio; Carter; Janklow; and Blackburn.

**Committee on the Judiciary:** Representatives Hyde; Coble; Smith of Texas; Gallegly; Goodlatte; Chabot; Jenkins; Cannon; Bachus; Hostettler; Green of Wisconsin; Keller; Hart; Flake; Pence; Forbes; King of Iowa; Carter; Feeney and Blackburn.

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#### **H. Res. 35 - Committee Election Minority Members:**

*The House agreed to H. Res. 35, electing the following named minority members, delegates, and resident commissioners to standing committees of the House of Representatives:*

**Committee on Appropriations:** Representatives Murtha, Dicks, Sabo, Hoyer, Mollohan, Kaptur, Visclosky, Lowey, Serrano, DeLauro, Moran of Virginia, Olver, Pastor, Price of North Carolina, Edwards, Cramer, Kennedy of Rhode Island, Clyburn, Hinchey, Roybal-Allard, Farr, Jackson of Illinois, Kilpatrick, Boyd, Fattah, Rothman, Bishop of Georgia, and Berry.

**Committee on the Budget:** Representatives Moran of Virginia, Hooley of Oregon, Baldwin, Moore, Lewis of Georgia, Neal of Massachusetts, DeLauro, Edwards, Scott of Virginia, Ford, Capps, Thompson of California, Baird, Cooper, Meek of Florida, Emanuel, and Davis of Alabama.

**Committee on Government Reform:** Representatives Lantos, Owens, Towns, Kanjorski, Maloney, Norton, Cummings, Kucinich, Davis of Illinois, Tierney, Turner of Texas, Clay, Watson, and Lynch.

**Committee on the Judiciary:** Representatives Berman, Boucher, Nadler, Scott of Virginia, Watt, Lofgren, Jackson-Lee of Texas, Waters, Meehan, Delahunt, Wexler, Baldwin, Weiner, Schiff, and Linda T. Sanchez.

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#### **H.J. Res. 13 - Making Further Continuing Appropriations:**

*The House passed H.J. Res. 13, making further continuing appropriations for the fiscal year 2003, by voice vote.*

*Pages H 180-90, D 64*

**Earlier agreed to H. Res. 29,** the rule providing for consideration of the joint resolution by voice vote.

*Pages H 179-80, D 65*

**H. Con. Res. 12. - President Bush's State of the Union Address:**

*President George W. Bush delivered his State of the Union address to a joint session of Congress, pursuant to the provisions of H. Con. Res. 12. He was escorted into the House Chamber by a committee comprised of Representatives DeLay, Pryce, Cox, Kingston, Pelosi, Hoyer, Menendez, Clyburn and Senators Frist, McConnell, Santorum, Kyl, Allen, Warner, Daschle, Reid of Nevada, Mikulski, and Breaux. The President's message was referred to the Committee of the Whole House on the State of the Union and ordered printed as a House Document (H. Doc. 108-1).*

*Pages H 211-15*

**Committee Meetings for Wednesday, January 29, 2003:**

**Committee on the Budget:** @ 10:00 a.m. To hold an organizational meeting; followed by a hearing on the *Congressional Budget Office: The Budget and Economic Outlook Fiscal Years 2004-2013.* 210 Cannon.

**Remarks:**

**Dedication Ceremony of Thurgood Marshall Commemorative Stamp.**

*"...Through his knowledge, advocacy and devotion to the cause of civil rights, Justice Marshall made a significant contribution to the battle fought in the United States courts to eradicate the legacy of slavery. I believe, however, that he should be revered most for his courage and independent judicial temperament--for breathing life into the text of the Constitution. He worked tirelessly to guarantee all Americans equality and liberty in their individual choices, especially on issues involving voting rights, housing and education. It is an honor to recognize a man whose career is a monument to the judiciary system and who has inspired so many to continue his quiet crusade..."*

Cummings

*Page E 78*

**Liberty Amendment.**

*"...Which repeals the 16th Amendment, thus paving the way for real change in the way government collects and spends the people's hard-earned money. The Liberty Amendment also explicitly forbids the federal government from performing any action not explicitly authorized by the United States Constitution. The 16th Amendment gives the federal government a direct claim on the lives of American citizens by enabling Congress to levy a direct income tax on individuals. Until the passage of the 16th amendment, the Supreme Court had consistently held that Congress had no power to impose an income tax..."*

Paul

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Violence Against Women Civil Rights Restoration Act of 2003.

Conyers

*Page E 84*

The Vaccine Injury Compensation Program.

Ney

*Page E 89*

**Next SENATE MEETING: 12:00 p.m., Wednesday, January 29, 2003.**

**Next HOUSE MEETING: 12:00 p.m., Wednesday, January 29, 2003.**

**OLA: S. Schwarz, A. Santos**